

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

WILLI FREE I GARNER, §
§
Plaintiff, §
VS. § CIVIL ACTION NO. C-11-169
§
CANDACE MOORE, *et al*, §
§
Defendants. §

**ORDER ADOPTING MEMORANDUM AND
RECOMMENDATION TO DISMISS
CERTAIN CLAIMS AND TO RETAIN CASE**

On June 13, 2011, United States Magistrate Judge Brian L. Owsley signed a Memorandum and Recommendation recommending that:

1. the Court retain the plaintiff's retaliation claims against Ms. Moore, Officer Walden, Officer Fernandez, and Officer Martinez, and service be ordered on these defendants;
2. the plaintiff's retaliation claims against Warden Gutierrez, Warden Jackson, Warden Crites, J.M. Garcia, and Vickie Barrow be dismissed for failure to state a claim or as frivolous pursuant to 28 U.S.C. § 1915(e)(2)(B) and § 1915A(b)(1); and
3. the plaintiff's conspiracy claim be dismissed for failure to state a claim.

Seeing no objection to this recommendation by any party and having now reviewed the recommendation, this Court hereby adopts as its own the Memorandum and Recommendation as the decision of the Court. Accordingly, it is

ORDERED that the plaintiff's retaliation claims against Ms. Moore, Officer Walden, Officer Fernandez, and Officer Martinez are retained.

It is further ORDERED that the plaintiff's conspiracy claim and his retaliation claims against Warden Gutierrez, Warden Jackson, Warden Crites, J.M. Garcia, and Vickie Barrow are dismissed for failure to state a claim.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 5th day of August, 2011.



Janis Graham Jack
Senior United States District Judge